

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **December 10, 2002**

AGENDA ITEM NO.: 10

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing Regarding Vacating an 8-inch sanitary sewer easement**

RECOMMENDATION:

Adopt an ordinance vacating an 8-inch sanitary sewer easement.

SUMMARY:

William J. Irvin, Esquire, an attorney representing The Overlook Apartments, L.C., is requesting the vacation of a sanitary sewer easement to clear title for Prudential Mortgage Capital Company, LLC, the provider of permanent financing on the project. The easement has already been effectively abandoned; the pipes were removed and relocated to a new easement, which is shown on P.C. 6, page 182; and a building is situated on the easement site. The Technical Review Committee determined that there were no concerns with vacating this sewer easement.

PRIOR ACTION(S):

November 5, 2002: Technical Review Committee Review

December 3, 2002: Physical Development Committee Review

BUDGET IMPACT:

None

CONTACT(S):

Pat Kost 847-1443/228

Mike Gambone 847-1360

ATTACHMENT(S):

- † Ordinance
- † Map
- † Technical Review Committee Report
- † Application to Vacate
- † Letter requesting vacation of easement

REVIEWED BY: lkp

AN ORDINANCE VACATING AN 8-INCH SANITARY SEWER EASEMENT

WHEREAS the City of Lynchburg on its own motion is proposing to vacate an 8-inch sanitary sewer easement located in the Stonemill Subdivision; and

WHEREAS City Council finds that no public inconvenience will result from the 8-inch sanitary sewer easement;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described sanitary sewer easement be, and the same hereby is, discontinued and vacated, namely:

The portion of easement to be vacated begins 100 feet S60°35'30"W from a point of reference on Breezewood Drive, said point measured from a point of beginning, being located 320 feet, more or less, on the western right-of-way line of the Lynchburg Expressway as measured along the southwestern right-of-way line of Breezewood Drive. The portion of easement to be vacated extends S60°35'30"W 152 feet to a manhole. The easement is 15 feet wide, or 7 1/2 feet on either side of above-described line, and was granted to the City by deed, Book 624 Page 30, recorded March 25, 1983. The easement plat is at Plat Cabinet 1 Page 380.

BE IT FURTHER ORDAINED That the Clerk of Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified:

Clerk of Council

208P

CURVE "G"

L=165.48'

CHD. BEARING=N66°06'06"E

CHORD=109.76'

R=55.00'

DELTA=172°23'12"

TAN=826.61'

2°42'18"E

"E"

2"W

OHE

SIGN ON BRICK BASE

CONC. CURB

D.I.

STONEMILL DRIVE

(VARIABLE WIDTH PUBLIC R/W)

D.I.

12"W

249.35'

S.S.M.H.

12" S.S.

6" S.S.

C.O.

WOOD FENCE

LIMITS OF RC-ZONE (SEE NOTE 7)

TRANSFORMER

AC UNITS

CONC. PATIO (TYP. OF 4)

BITUMINOUS SIDEWALK

30.10'

63.80'

154.70'

102

100

114.5'

117.63'

N62°17'42"E

S27°42'18"E

75.45'

33.4'

30.29'

15' PUBLIC UTILITY CONSTRUCTION AND DRAINAGE EASEMENT

S.D.M.H.

RELOCATED 15' SANITARY SEWER EASEMENT (P.C. 6, PG. 182)

15' SANITARY SEWER (D.B. 624, PG. 30)

S.S.M.H.

0.6" BRICK WALL (TYP. OF 4)

CONC. PATIO (TYP. OF 4)

3 STY. VINYL AND BRICK APARTMENT BUILDING

AC UNITS

C.O.

TRANSFORMER

LIMITS OF RC-ZONE (SEE NOTE 7)

WOOD FENCE

BITUMINOUS SIDEWALK

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CONC. PATIO (TYP. OF 4)

0.6" BRICK WALL (TYP. OF 4)

S.S.M.H.

15' SANITARY SEWER (D.B. 624, PG. 30)

RELOCATED 15' SANITARY SEWER EASEMENT (P.C. 6, PG. 182)

S.D.M.H.

15' PUBLIC UTILITY CONSTRUCTION AND DRAINAGE EASEMENT

D.I.

CONC. CURB

SIGN ON BRICK BASE

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The City of Lynchburg, Virginia

CITY HALL, LYNCHBURG, VIRGINIA 24505 • (804) 847-1508
FAX • (804) 845-7630

PLANNING DIVISION

November 12, 2002

TO: Patricia W. Kost, Clerk of Council

FROM: Annette M. Chenault, Planner II

RE: Sewer Easement Vacation – The Overlook, L.C.
Stonemill Drive

TRC Review: November 5, 2002

On November 5, 2002 the Technical Review Committee (TRC) reviewed a Sanitary Sewer Easement vacation at The Overlook, L.C. on Stonemill Drive. The TRC determined that there were no concerns with vacating the 8-inch sanitary sewer easement.

Attachments

pc: Technical Review Committee

APPLICATION FOR THE VACATION OF AN
8-INCH SANITARY SEWER EASEMENT
LOCATED IN THE
STONEMILL SUBDIVISION

The City of Lynchburg, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, makes application to the Lynchburg City Council for the vacation of that certain 8-inch sanitary sewer easement described as follows:

Beginning at a point on the southwestern right-of-way-line of Breezewood Drive, said point of beginning being located 320 feet, more or less, from the western right-of-way-line of the Lynchburg Expressway, as measured along said line of Breezewood Drive, and running S 60°35'30"W 252 feet to a manhole on an existing sanitary sewer line. The easement is 15 feet wide, or 7 1/2 feet on either side of the line in the legal description, and was granted to the City by deed, Book 624 Page 30, recorded March 25, 1983. The easement plat is at Plat Cabinet 1 Page 380.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on December 10, 2002, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described 8-inch sanitary sewer easement.

Given under my hand this 17th day of October, 2002.

Mike Gambone, Right-of-Way Agent
Applicant
P. O. Box 60, Lynchburg, VA 24505
Address
847-1360
Telephone Number

The Irvin Law Firm

a Virginia professional corporation

RECEIVED

OCT 10 2002

ENGINEERING & TRAFFIC

10436 Lakeridge Parkway
Ashland, Virginia 23005
Telephone: (804) 550-3455
Facsimile: (804) 550-3480

William J. Irvin, Esq.
e-mail: wirvin@irvinlawfirm.com

October 9, 2002

Michael Gambone, Right-of-Way Agent
City of Lynchburg
Department of Public Works-Engineering
900 Church Street
Lynchburg, Virginia 24504

Re: The Overlook Apartments, L.C.

Dear Mr. Gambone:

Please accept this letter as a request for vacation of a sanitary sewer easement in the City of Lynchburg located at Deed Book 624, page 30. We are requesting that the City of Lynchburg vacate this easement to clear title for Prudential Mortgage Capital Company, LLC, the provider of permanent financing on the project.

The Overlook Apartments, L.C. is the owner of the property pursuant to a deed recorded in the Clerk's office of the Circuit Court for the City of Lynchburg, Virginia on March 27, 2000 in Deed Book 1127, page 214 and by deed recorded in the Clerk's office of the Circuit Court for the City of Lynchburg dated March 27, 2000 in Deed Book 1127, page 227.

The sanitary sewer easement runs under an existing building (#100) and is shown on a certain deed of easement made on March 7, 1983 by The City of Lynchburg, Virginia, Department of Public Works, Engineering Division and recorded in the Clerk's office of the Circuit Court for the City of Lynchburg in Deed Book 624, page 30. The easement has already been effectively abandoned; the pipes were removed and relocated to a new easement which is shown on P.C. 6, page 182, a copy of which is enclosed for your reference.

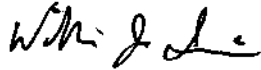
I am also enclosing a graphic showing the locations of the old and new easements. The old easement is outlined in blue and the new easement is in pink.

I look forward to hearing from you regarding the newspaper advertising deadlines, associated fees, and the date for the next City Council meeting at which this request will be presented.

Michael Gambone, Right-of-Way Agent
City of Lynchburg
Department of Public Works-Engineering
October 9, 2002
Page 2

Please feel free to contact me if you need any additional information. I appreciate your assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wm. J. Irvin". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

William J. Irvin

WJI/kpf
Enclosure

Z:\O\Overlook Apartments, L.C\Prudential Refinancing 2002\10-8-02 Ltr to Gambone requesting vacation of easement.doc



CURB AND GUTTER

8' WATER LINE

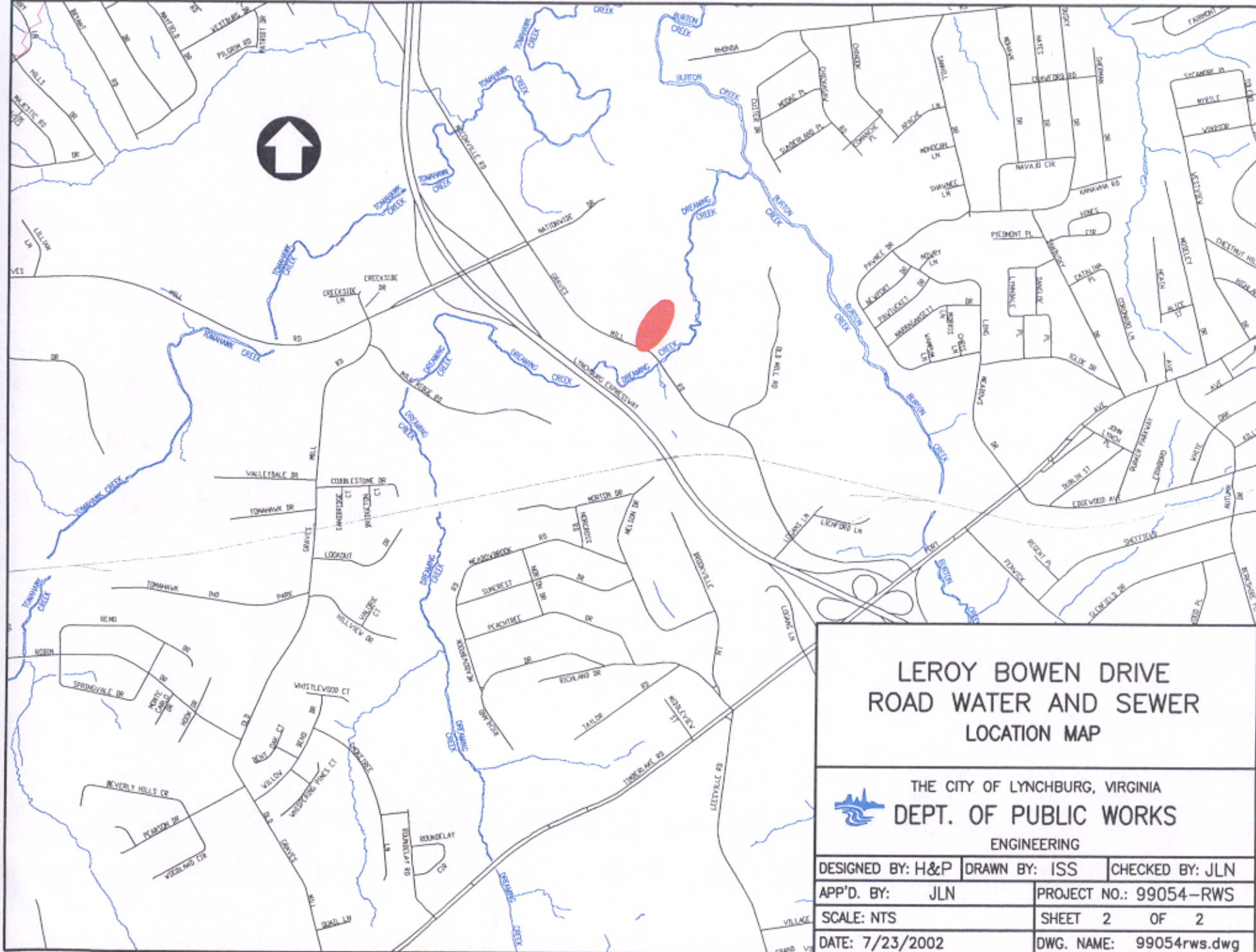
8' SANITARY SEWER

LEROY BOWEN DRIVE ROAD WATER AND SEWER



THE CITY OF LYNCHBURG, VIRGINIA
DEPT. OF PUBLIC WORKS
ENGINEERING

DESIGNED BY: H&P	DRAWN BY: ISS	CHECKED BY: JLN
APP'D. BY: JLN	PROJECT NO.: 99054-RWS	
SCALE: NTS	SHEET 1 OF 2	
DATE: 7/23/2002	DWG. NAME: 99054rws.dwg	



LEROY BOWEN DRIVE ROAD WATER AND SEWER LOCATION MAP



THE CITY OF LYNCHBURG, VIRGINIA
DEPT. OF PUBLIC WORKS
ENGINEERING

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